IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 31480 of 1998

Between:

1 A.Guruswamy, S/o Venkataiah,
R/o Ammavaripet, B.Kodur Mandal, Cuddpah District.
2 B.Srinivasulu, S/o Guruvaiah,
R/o Anjaneya Nagar, Badvel Mandal, Cuddpah District.

..... PETITIONERS

AND

1 The Secretary to Govt. of AP,
I & CAD Dept., Hyderabad.
2 The District Collector, Cuddapah.
3 The Cheif Engineer, Telugu Ganga Project,

(for Somasila Project,),
Srikalahasti, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not considering the cases of the petitioners for appointment against any suitable posts reserved for displaced persons under GO Ms No.98 dt.15.4.86 only on the ground that they were minors as on the date of passing of the award as totally illegal, without jurisdiction and in violation of judgment of the Hon'ble High Court in WP No.19220/95 and batch dt.18.12.95 and Consequently direct the respondents to consider the petitioners for appointment against any suitable posts in accordance with GO Ms.No.98 dt.15.4.96.

Counsel for the Petitioners :MR.S.LAKSHMA REDDY

Counsel for the Respondents : GP FOR IRRIGATION & COMM AREA DEV.

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not considering the case of the petitioners for appointment against any suitable post reserved for displaced persons under G.O.Ms.No.98 dated 15-04-1986 on the ground that they were minors as on the date of passing of the award under the Land Acquisition Act (for brevity 'the Act'), as arbitrary and illegal, and consequently, to direct the respondents to consider the case of the petitioners for appointment for any suitable post.

It is the case of the petitioners that they were residents of Kottur village of Ciddhout Taluk. Their lands and houses were acquired for the purpose of construction of Somasila project and awards were passed during the years 1979-80. Thereafter, they became completely displaced. The Government of Andhra Pradesh evolved a policy for providing employment to the displaced persons under G.O.Ms.No.98 dated 15-04-1996. The names of the petitioners were included in the list of eligible persons for consideration. It is their case that there are no other earning members in their respective families. They also further asserted that they are fully qualified for being appointed for any suitable post against the 50% quota of displaced persons. When the respondents were not considering their cases, they had filed O.A.No.5167/1994 before the A.P. Administrative Tribunal, and the Tribunal was pleased to dispose of the O.A. with a direction to the respondents to consider their cases to any suitable post according to their eligibility in accordance with G.O.Ms.No.98 dated 15-04-1986, subject to availability of vacancies in the Somasila Project.

However, the respondents have taken the view that in view of G.O.Ms.No.148 dated 01-08-1991, the cases of the petitioners will not be considered on the ground that they were minors as on the date of passing of the award under the Act. Therefore, the petitioners are constrained to approach this Court. Further, it is submitted that under similar circumstances, this Court while disposing of the writ petition No.19220/1995 and batch dated 18-12-1995 held that if the candidates fall within the eligibility as on the date of filling up of the posts, they should also be considered in accordance with Rules after considering the

object underlying the G.O.Ms.No.148 dated 01-08-1991. It is asserted by the petitioners that they are fully entitled for the consideration for being appointed to any suitable post as displaced persons. Hence, this writ petition.

There is no necessity for going into all the further details in this case. The learned counsel for the petitioner brought to my notice the memo No.22905/Ser.VIII(2)/93-6 dated 23-11-1993 which reads as under:

> "The attention of the Chief Engineer, Sriramasagar Project is invited to the reference cited. He is informed that Sri M. Prabhakar Reddy is eligible for appointment under displaced persons quote even now as he has applied for appointment before crossing the age limit prescribed and as the delay in appointment is on administrative reasons. If he is otherwise qualified etc."

The Government further issued memorandum No.22796/SRSP/04-2 dated 25-11-2004, which reads as under:

> "The attention of the Administrator-cum-Chief Engineer, SRSP, Hyderabad is invited to the reference cited. He is informed that as per SPF, the District cadre posts (ie.Jr.Assts. and below the ranks) shall be filed up by locals of that District only to the extent of 80% in respect of implications of High Court orders, he is requested to file a review or appeal immediately observations made in the High Court Judgment reiterated by the Hon'ble A.P.A.T. in an order in C.A.No.307/02 in O.A.No.2125/2001 filed by P. Sreedevi and in O.A.No.7321/2003 filed by M. Janardhan Reddy & Other on the ground that appoint of persons from one District to another District is in violation of SPF.
>
> 2. In regard to age bar-cases he is requested to follow the orders issued in the G.O.Ms.No.44, dated 31-3-1999 and Memo No.22905/SER-VIII(2)/93/6, dated 23-11-93 in appointing the displaced persons affected on submergence of lands to the Project and also in appointing the land oustees in various of other Departments to follow G.O.Ms.No.98 dated 15-4-1986."

From the above reading, it is clear that while considering the cases the displaced persons affected on submergence of the lands for appointment as land oustees in various departments the department has to follow the

G.O.Ms.No.98 dated 15-04-1986 read with G.O.Ms.No.44 dated 31-03-1999 and memorandum No.22905/Ser.VIII(2)/93-6 dated 23-11-1993.

In view of the above, without expressing any opinion on merits, the respondents are directed to consider the case of the petitioners for being appointed to any suitable post as per the scheme laid down by the Government in the existing or future vacancies without insisting upon as to the factum of minimum age as on the date of passing of the award or over aged as on the date of consideration of their cases for employment under the scheme. With the above direction, the writ petition is disposed of. No order as to costs.

_____

22-06-2005.

rns

To

1 The Secretary,

Government of Andhra Pradesh,
I & CAD Department, Hyderabad.

2 The District Collector,
Cuddapah.

3 The Cheif Engineer, Telugu Ganga Project,

(for Somasila Project,),
Srikalahasti, Chittoor District.

4 Two CCs to G.P. for Irrigation & Comm Area Dev.,

High Court of A.P., Hyderabad.(OUT)

5 Two CD copies